

SECOND REGULAR SESSION

# HOUSE BILL NO. 1940

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MAYER, HUNTER, CROWELL, SHOEMYER (9), MYERS,  
BRITT AND MERIDETH (Co-sponsors).

Read 1<sup>st</sup> time February 14, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4284L.01I

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### AN ACT

To repeal section 167.161, RSMo, and to enact in lieu thereof one new section relating to suspension or expulsion of pupils in public schools.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 167.161, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 167.161, to read as follows:

167.161. 1. The school board of any district, after notice to parents or others having custodial care and a hearing upon charges preferred, may suspend or expel a pupil for conduct which is prejudicial to good order and discipline in the schools or which tends to impair the morale or good conduct of the pupils. In addition to the authority granted in section 167.171, a school board may authorize, by general rule, the immediate removal of a pupil upon a finding by the principal, superintendent, or school board that the pupil poses a threat of harm to such pupil or others, as evidenced by the prior conduct of such pupil. Prior disciplinary actions shall not be used as the sole basis for removal, suspension or expulsion of a pupil. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. At the hearing upon any such removal, suspension or expulsion, the board shall consider the evidence and statements that the parties present and may consider records of past disciplinary actions, criminal court records or juvenile court records consistent with other provisions of the law, or the actions of the pupil which would constitute a criminal offense. The board may provide by general rule not inconsistent with this section for the procedure and conduct of such hearings. After meeting with the superintendent or his designee to discuss the expulsion, the parent, custodian or the student, if at least eighteen years of age, may, in writing, waive any right to a

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

17 hearing before the board of education.

18         2. The school board of any district, after notice to parents or others having custodial care  
19 and a hearing upon the matter, may suspend a pupil upon a finding that [the pupil has been  
20 charged, convicted or pled guilty in a court of general jurisdiction for the commission of a]:

21         **(1) Such pupil has been convicted of a felony criminal violation of state or federal**  
22 **law; or**

23         **(2) An indictment or information has been filed alleging that the pupil has**  
24 **committed a felony criminal violation of state or federal law to which there has been no**  
25 **final judgment; or**

26         **(3) A petition has been filed pursuant to section 211.091, RSMo, alleging that the**  
27 **pupil has committed an act which if committed by an adult would be a felony criminal**  
28 **violation of state or federal law to which there has been no final judgment; or**

29         **(4) The pupil has been adjudicated to have committed an act which if committed**  
30 **by an adult would be a** felony criminal violation of state or federal law. At a hearing required  
31 by this subsection, the board shall consider statements that the parties present. The board may  
32 provide for the procedure and conduct of such hearings.

33         3. The school board shall make a good-faith effort to have the parents or others having  
34 custodial care present at any such hearing. Notwithstanding any other provision of law to the  
35 contrary, student discipline hearings or proceedings related to the rights of students to attend  
36 school or to receive academic credit shall not be required to comply with the requirements  
37 applicable to contested case hearings as provided in chapter 536, RSMo, provided that  
38 appropriate due process procedures shall be observed which shall include the right for a trial de  
39 novo by the circuit court.